# CONSTITUTION AND BYLAWS

# OF THE

# OGLALA SIOUX TRIBE

# OF THE

# PINE RIDGE RESERVATION OF SOUTH DAKOTA

## PREAMBLE

We, the Oglala Sioux Tribe of the Pine Ridge Indian Reservation, in order to establish a more perfect organization, promote the general welfare, conserve and develop our lands and resources, secure to ourselves and our posterity the power to exercise certain rights of home rule not inconsistent with Federal laws and our treaties, and in recognition of God Almighty and His Divine Providence, do ordain and establish this constitution for the Oglala Sioux Tribe.

## ARTICLE I - TERRITORY

The jurisdiction of the Oglala Sioux Tribe of Indians shall extend to the territory within the original confines of the Pine Ridge Indian Reservation boundaries, as defined by the act of March 2, 1889 (25 Stat. L. 888), and to such other lands as may be hereafter added thereto under any law of the United States except as may be otherwise provided by law for unrestricted lands.

## ARTICLE II - MEMBERSHIP

SECTION 1. - The membership of the Oglala Sioux Tribe shall consist as follows:

(a) All persons whose names appear on the official census roll of the Oglala Sioux Tribe of the Pine Ridge Reservation as of April 1, 1935, provided, that correction may be made in the said rolls within five years from the adoption and approval of this constitution by the tribal council subject to the approval of the Secretary of Interior.

(b) All children born to any member of the tribe who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The tribal council shall propose by-laws covering future membership and the adoption of new members.

## ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the tribe under this Constitution shall be a council which shall be composed of councilmen chosen by secret ballot by qualified voters of the tribe, which council shall hereafter be known as "The Oglala Sioux Tribal Council."

SEC. 2. Each community of the reservation as follows, shall be entitled to representation on the tribal council according to population as hereinafter provided:*

Oglala community: Comprized of present White Clay Farm District.

Wakpamni community: Comprized of present Wakpamni Farm District.

Wounded Knee community: Comprized of present Wounded Knee Farm District.

Porcupine community: Comprized of present Porcupine Farm District.

Medicine Root Creek community: Comprized of present Medicine Root Farm District.

Eagle Nest community: Comprized of present Eagle Nest Farm District.

Pass Creek community: Comprized of that portion of the present Pass Creek Farm District lying north of the boundary line between Townships 37 and 38 north.

Lacreek community: Comprized of that portion of the present Pass Creek Farm District lying south of the above boundary line.

SEC. 3. The tribal council shall have authority to make changes in the foregoing list according to future community needs, subject to the approval of the Secretary of the Interior.

SEC. 4. Each recognized community shall elect representatives to the tribal council in the proportion of one representative for each 1000 members, or a remainder of more than 500. Recognized communities with less than 500 members shall be consolidated by the tribal council with an adjacent recognized community. (Amendment No. 1, effective December 24, 1969 and Amendment V, December 18, 1985)

*Note attached resolutions

SEC. 5. Prior to the first election of the tribal council the membership of each community shall be determined by the superintendent and a committee consisting of one delegate from each community herein designated. Thereafter the membership of the various communities shall be determined by the communities, subject to review by the tribal council.

SEC. 6. The officers of the tribal council shall be a president and a vice president, elected by the members of the Oglala Sioux Tribe, at large, and a secretary, a treasurer, and such other officers as may be deemed necessary, elected by the tribal council from within or outside of its own number. Officers selected from outside the membership of the council shall have no vote in the council, except that the president shall vote in case of a tie.

SEC. 7. The first election of the tribal council hereunder shall be called and supervised by the Secretary of the Interior, or such persons as he may appoint.

SEC. 8. Members of the tribal council shall be elected for a term of two years.

SEC. 9. Elections to the tribal council, after the first election, shall be called by the tribal council at least sixty days prior to the expiration of office of its members.

SEC. 10. The Oglala Sioux Tribal Council shall be the sole judge of the constitutional qualifications of its own members.

## ARTICLE IV - POWERS OF THE COUNCIL

SECTION 1. Enumerated powers. - The Oglala Sioux Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To negotiate with the Federal, State, and local governments, on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Pine Ridge Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Oglala Sioux Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other authorized official or agency of government, provided that no tribal lands shall ever be leased for a period exceeding five years, sold, or encumbered except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Pine Ridge Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the Oglala Sioux Tribe in conformity with article X of this constitution.

(f) To manage all economic affairs and enterprises of the Oglala Sioux Tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the tribe any available tribal council funds.

(h) To levy taxes upon persons on the Pine Ridge Indian Reservation and to require the performance of community labor in lieu thereof.

(i) To exclude from the restricted lands of the Pine Ridge Reservation persons not legally entitled to reside therein, under duly enacted ordinances.

(j) To enact resolutions or ordinances not inconsistent with Article II of this constitution concerning membership in the Oglala Sioux Tribe.

(k) To promulgate and enforce ordinances, governing the conduct of persons on the Pine Ridge Indian Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes.

(m) To protect and preserve the property, wild life, and natural resources - gases, oils, and other minerals, etc., of the tribe, and to regulate the conduct of trade and the use and disposition of property upon the reservation.

(n) To cultivate native arts, crafts, and culture, to administer charity and to protect the health and general welfare of the tribe.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of associations thus chartered by the tribal council, or any other associations of members of the tribe, which are indebted to the tribe.

(p) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Pine Ridge Reservation.

(q) To regulate the domestic relations of members of the tribe.

(r) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution.

(s) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

(t) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. "Future powers." - The council of the Oglala Sioux Tribe may exercise such further powers as may in the future be delegated to the council by members of the tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. "Reserved powers." - Any rights and powers heretofore vested in the Oglala Sioux Tribe, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Oglala Sioux Tribe through the adoption of appropriate by-laws and constitutional amendments.

## ARTICLE V - JUDICIAL POWERS

SECTION 1. The judicial powers of the Oglala Sioux Tribe shall be vested in a court or courts which the tribal council may ordain or establish.

SEC. 2. The judicial power shall extend to all cases involving only members of the Oglala Sioux Tribe, arising under the constitution and by-laws or ordinances of the tribe, and to other cases in which all parties consent to jurisdiction.

## ARTICLE VI - COMMUNITY ORGANIZATION

Each community established under this constitution shall elect, annually, a president and such other officers as may be advisable. The president shall call and preside over councils of the community whenever necessary for the consideration of matters of local interest. The various communities may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the tribal council or the superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises in furtherance of the purposes set forth in the preamble to this constitution, may levy assessments upon members of the community, may expend moneys in the community treasury for the benefit of the community, may keep a roll of those members of the tribe affiliated with the community, and may exercise such further powers as may be delegated to communities by the tribal council. The actions of the community councils shall not be inconsistent with the constitution and by-laws, and ordinance of the tribe.

## ARTICLE VII - ELECTIONS

SECTION 1. All members of the tribe, 18 years or over, who have resided on the reservation for a period of one year immediately prior to any election shall have the right to vote.

SEC. 2. The time, place and manner of nomination and election of councilmen and any other elective officers of the council shall be determined by the tribal council by appropriate ordinances.

## ARTICLE VIII - REMOVAL OF OFFICERS

SECTION 1. Any member or officer of the tribal council who is convicted of a felony or any other offense involving dishonesty shall forfeit his office.

SEC. 2. Any officer of the council or any councilman shall be subject to recall from office under due process of law for cause. Any complaint against any officer of the council or any councilman must be in writing and sworn to by the complainant. No person is to be impeached except by a two-thirds (2/3) vote of the council after the accused has had due notice of the charges against him and an opportunity to be heard in his own defense.

## ARTICLE IX - REFERENDUM

SECTION 1. Upon a petition by at least one-third (1/3) of the eligible voters of the Oglala Sioux Tribe, or upon the request of a majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the council shall be submitted to popular referendum and the vote of a majority of the qualified voters voting in such a referendum shall be conclusive and binding on the tribal council.

## ARTICLE X - LAND

SECTION 1. Allotted lands. - Allotted lands including heirship lands, within the Pine Ridge Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Oglala Sioux Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Oglala Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands. - The unallotted lands of the Pine Ridge Reservation and all lands which may hereafter be acquired by the Oglala Sioux Tribe or by the United States in trust for the Oglala Sioux Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Oglala Sioux Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands. - Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian communities or cooperative associations, and, secondly, to individual Indians who are members of the Oglala Sioux Tribe. No lease of tribal land to a non-member shall be made by the tribal council unless it shall appear that no Indian community or cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grant of standard assignments. - In any assignment of tribal lands which are now owned by the tribe or which may be hereafter purchased for the tribe by the United States, or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 20 acres of agricultural land, or other land or interests in land of equal value.

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of $10 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians and shall be known as standard assignments.

SEC. 5. Tenure of standard assignments. - If any member of the tribe holding a standard assignment of land shall, for a period of two years, fail to use the land so assigned or shall use such land for any unlawful purpose his assignment may be cancelled by the tribal council after due notice and an apportunity to be heard and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will, or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Oglala Sioux Tribe who would be eligible to receive a standard assignment.

SEC. 6. Grant of exchange assignments. - Any member of the tribe who owns an allotment or any share of heirship land or patent in fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

SEC. 7. Leasing of exchange assignments. - Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. - Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Oglala Sioux Tribe, except that a life assignment may be made to the surviving widower, widow, or child of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,280 acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. - Improvements of any character made upon assigned lands may be bequeathed to and inherited by members of the Oglala Sioux Tribe under such regulations as the tribal council shall provide. No permanent improvements shall be removed without the consent of the council.

SEC. 10. Exchange of assignments. - Assignments may be exchanged between members of the Oglala Sioux Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of unassigned tribal land. - Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 12. Purchase of land by tribe. - Tribal funds may be used, with the consent of the Secretary of the Interior to acquire land under the following conditions:

(a) Land within the Pine Ridge Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Oglala Sioux Tribe.

(b) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

Sec. 13. Method of making assignments. - Applications for assignments shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

## ARTICLE XI - AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds (2/3) of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

# BYLAWS

# OF THE

# OGLALA SIOUX TRIBE OF THE

# PINE RIDGE RESERVATION OF SOUTH DAKOTA

## ARTICLE I - DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the president to preside over all meetings of the Oglala Sioux Tribal Council and to carry out all orders of the council, unless prevented by just causes. All members of the council, within their respective districts, and all subordinate officers shall assist the president in all proper ways to carry out the orders of the council.

SEC. 2. The vice president shall perform the duties and execute the powers of the president in the absence of the president and shall assume the presidency in the event of a vacancy in the office.

SEC. 3. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the tribal council and shall perform such other duties of like nature as the council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the president of the council, to the superintendent of the reservation, to the Commissioner of Indian Affairs, and to all recognized communities of the reservation.

SEC. 4. The council treasurer shall be the custodian of all moneys which come under the jurisdiction or control of the Oglala Sioux Tribal Council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the tribal council at each regular and special meeting. He shall be bonded in such an amount as the council by resolution shall provide and such bond to be approved by the Commissioner of Indian Affairs. The books of the council treasurer shall be subject to inspection or audit by the direction of the council or the Commissioner of Indian Affairs.

SEC. 5. There shall be an executive committee, which shall consist of the president, the secretary, and treasurer of the council, the vice president, and a fifth member selected by the council. This committee shall act on behalf of the council at such times as the council is not in session and shall have charge of all routine matters which shall arise during such recess, including the administration of the land provisions of this constitution, and such other matters as may be delegated to it by the council. The committee shall make a report at each regular and special session of the council. (As amended by Amendment No. III, effective December 24, 1969)

SEC. 6. The subordinate officers of the Oglala Sioux Tribal Council shall perform such duties as the council may by resolution from time to time provide.

SEC. 7. It shall be the duty of the tribal council and each member thereof to promote the general welfare of the Sioux of this reservation and to carry out the provisions and purposes of this constitution and by-laws.

## ARTICLE II - QUALIFICATIONS OF OFFICERS

SECTION 1. Any person elected as councilman must be a member of the Oglala Sioux Tribe and must be at least 25 years of age at the time of the election.

SEC. 2. No member of the council shall vote in any matter in which he may have an interest by reason of employment in the Federal service or by any private organization.

## ARTICLE III - OATHS OF OFFICE

SECTION 1. Each member of the tribal council and each officer elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof; by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

(Oath) I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my ability; promote and protect the best interests of my tribe, the Oglala Sioux, in accordance with this constitution and by-laws.

## ARTICLE IV - SALARIES

SECTION 1. The salaries and expense payments of the councilmen and other officers of the Oglala Sioux Tribe may be paid out of available funds of the tribe in accordance with ordinances duly enacted, provided that no council shall enact any ordinance increasing the salaries or per diem expense payments of councilmen during the existing term of office. (Amendment No. II, effective December 24, 1969)

SEC. 2 No compensation shall be paid to any councilman, president, vice-president, secretary, treasurer, tribal counsel, or any officer out of the tribal funds under the control of the Federal Government, except upon a resolution stating the amount of compensation and the nature of services approved by the Secretary of the Interior.

## ARTICLE V - MEETINGS AND PROCEDURE

SECTION 1. Regular meetings of the council shall be four in each year, to be held during January, April, July, and October, on such days of such months as the council by resolution shall provide.

SEC. 2. Two-thirds (2/3) of the duly elected members must be present to constitute a quorum.

SEC. 3. Special meetings may be called by the president and when so called, two-thirds (2/3) of the council must be present to constitute a quorum, and the council shall have power to transact business as in regular meetings. (Amendment No. IV, effective December 24, 1969)

SEC. 4. The order of business in any regular or special meeting of the council shall be as follows:

1. Council called to order for session.

2. Prayer by authorized person in behalf of council.

3. Opening address to council by presiding officer or authorized member.

4. Roll call - quorum.

5. Reading and acceptance of minutes of previous meeting.

6. Reports of standing committees.

7. Report of council treasurer.

8. Report of special committees.

9. Report of executive committee.

10. Reading of communications and reports.

11. Impeachment trials.

12. Installation of new officers.

13. Unfinished business.

14. New business.

15. Appointment of committees.

16. Adjournment.

## ARTICLE VI - NATIONAL SIOUX COUNCIL

SECTION 1. The tribal council may appoint delegates to represent the Oglala Sioux Tribe in national Sioux councils.

## ARTICLE VII - ADOPTION OF CONSTITUTION AND BYLAWS

SECTION 1. This constitution and the attached bylaws when approved by a majority of the adult voters of the Oglala Sioux Tribe voting in a special election called by the Secretary of the Interior in which at least thirty (30) per cent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved December 11, 1935, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Oglala Sioux Tribe of Indians of the Pine Ridge Reservation and was on December 14, 1935, duly approved by a vote of 1,348 for, and 1,041 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

WILLIAM FIRE THUNDER,
Chairman of Election Board.

WILLIAM PUGH,
Secretary of Election Board.

JAMES H. MCGREGOR,
Superintendent in Charge of Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Oglala Sioux Tribe of the Pine Ridge Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended January 7, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
(SEAL)

WASHINGTON, D.C., January 15, 1936.

## CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Commissioner of Indian Affairs on October 1, 1969, under delegated authority, the attached, Amendments I, II, III and IV to the Constitution and Bylaws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, were submitted to the qualified voters of the tribe and was on December 4, 1969, duly adopted by a vote of 783 for, and 411 against Amendment I; 728 for, and 458 against Amendment II; 633 for, and 556 against Amendment III; and 658 for, and 524 against Amendment IV, in an election in which at least thirty per cent of the 3,104 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Brice L. Lay,
Chairman, Election Board.

Theodore Tibbitts,
Election Board Member.

Lloyd W. Eaglebull,
Election Board Member.

December 11, 1969

## APPROVAL

I, Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments I, II, III, and IV to the Constitution and Bylaws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota.

Approval Recommended:

A.O. Allen,
Acting Commissioner of Indian Affairs.

Harrison Loesch,
Assistant Secretary of the Interior.

Washington, D.C., December 24, 1969.

SUMMARY OF AMENDMENTS

PERTINENT TO ABOVE CERTIFICATE OF

RESULTS OF ELECTION

I. Reapportionment of community representatives to the Tribal Council by increasing population requirement. Amended Article III, Section 4, Governing Body.

II. Authorizes payment of expenses to councilmen and other officers of the Oglala Sioux Tribe. Amended Article IV, Section 1 of the Bylaws, Salaries.

III. Deletes the Superintendent of the Agency and adds the Vice-Chairman to the composition of the Executive Committee. Amended Article I, Section 5 of the Bylaws, Duties of Officers.

IV. Deletes authority of majority of councilmen to request special meetings. Amended Article V, Section 3 of the Bylaws, Meetings and Procedures.

V. Changes the number, now 500 members used in establishing representatives to the Tribal Council, to 1000 or a remainder of 500 rather than 200 in Article III, Section 4.

VI. Changes the voters age from 21 or over to 18 years or older in Article VII, Section 1.

VII. Removes the review procedures for the Secretary of the Interior in Article IV, Section 1.

✓ Mr. Walkingstick

Amendments
Constitution and Bylaws
of the
Oglala Sioux Tribe
of the
Pine Ridge Reservation
South Dakota

Amendment No. 1

Article III, Section 4, Governing Body, shall be amended in its entirety to read as follows:

> Section 4. Each recognized community shall elect representatives to the tribal council in the proportion of one representative for each 500 members, or a remainder of more than 250. Recognized communities with less than 250 members shall be consolidated by the tribal council with an adjacent recognized community.

Amendment No. 2

Article IV, Section 1 of the bylaws, Salaries, shall be amended in its entirety to read as follows:

> Section 1. The salaries and expense payments of the councilmen and other officers of the Oglala Sioux Tribe may be paid out of available funds of the tribe in accordance with ordinances duly enacted, provided that no council shall enact any ordinance increasing the salaries or per diem expense payments of councilmen during the existing term of office.

Amendment No. 3

Article I, Section 5 of the bylaws, Duties of Officers, shall be amended in its entirety to read as follows:

> Section 5. There shall be an executive committee, which shall consist of the president, the secretary, and treasurer of the council, the vice president, and a fifth member selected by the council. This committee shall act on behalf of the council at such times as the council is not in session and shall have charge of all

routine matters which shall arise during such recess, including the administration of the land provisions of this constitution, and such other matters as may be delegated to it by the council. The committee shall make a report at each regular and special session of the council.

Amendment No. 4

Article V, Section 3 of the bylaws, Meetings and Procedures, shall be amended in its entirety to read as follows:

Section 3. Special meetings may be called by the president and when so called, two-thirds (2/3) of the council must be present to constitute a quorum, and the council shall have power to transact business as in regular meetings.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Commissioner of Indian Affairs on October 1, 1969, under delegated authority, the attached, Amendments I, II, III and IV to the Constitution and Bylaws of the Oglala Sioux Tribe of Pine Ridge Reservation, South Dakota, were submitted to the qualified voters of the tribe and was on December 4, 1969, duly adopted by a vote of 783 for, and 411 against Amendment I; 728 for, and 458 against Amendment II; 633 for, and 556 against Amendment III; and 658 for, and 524 against Amendment IV, in an election in which at least thirty percent of the 3,104 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Chairman, Election Board

Election Board Member

Election Board Member

## APPROVAL

I, HARRISON LOESCH, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments I, II, III, and IV to the Constitution and Bylaws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota.

Approval Recommended:

A. O. ALLEN

Acting Commissioner of Indian Affairs

Harrison Loesch
Assistant Secretary of the Interior

Washington, D. C.

Date: December 24, 1969

# Oglala Sioux Council

| | |
|---|---|
| Pine Ridge Village | 5 |
| LaCreek | 3 |
| Pass Creek | 3 |
| Red Shirt | 1 |
| Wakpamni | 2 |
| Wounded Knee | 4 |
| Porcupine | 4 |
| Medicine Root | 4 |
| Eagle Nest (Wanblee) | 3 |
| White Clay (Oglala) | 2 |
| Oglala Jr. | 1 |
| Total | 32 |

Superseded:
See Resol. # 69.66
enacted on 12/14/69
[illegible]

c.c. O.K.W. ✓
9/22/69 Recd from W. Hughes - Prior visit to P. Ridge - 9/10/69

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
ABERDEEN AREA OFFICE
115 FOURTH AVENUE S.E.
ABERDEEN, SOUTH DAKOTA 57401

IN REPLY REFER TO:
Tribal Government
and Indian Rights

DEC 12 1977

Memorandum

To: Superintendent, Pine Ridge Agency

From: Tribal Government and Indian Rights

Subject: Tribal Resolution

We have received tribal resolution No. 77-141 enacted by the Oglala Sioux Tribal Council.

The resolution has been referred to Tribal Government (For information).

Comments:

(Sgd) Earl J. Azure
Acting Director

cc:
President, Oglala Sioux Tribal Council
Tribal Government
File Copy

RECEIVED
DEC 1977
Aberdeen Area Office
Public Law
93-638

CONSERVE AMERICA'S ENERGY

*Save Energy and You Serve America!*

Picotte 12-5-77

# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

PINE RIDGE INDIAN AGENCY
PINE RIDGE, SOUTH DAKOTA 57770

IN REPLY REFER TO:
Superintendent's
Office

December 2, 1977

Memorandum

To : Area Director, Aberdeen Area Office
Attn: Tribal Government

From : Superintendent, Pine Ridge Agency

Subject: Oglala Sioux Tribal Resolution No. 77-141

We are submitting the above resolution dealing with the reapportionment of Tribal Council representatives according to census figures, which we believe to be questionable in some cases.

We are in possession of one group of census figures compiled under the Tribal Business and Economic Development contract, which we believe to be lacking in accuracy. We understand these same figures were used for apportionment of representatives. Mr. Johnson Holy Rock, Vice President of the Oglala Sioux Tribe and also Chairman of the Wakpamni District, disagrees with the figures for Wakpamni District. He points out that two communities have been eliminated from the census.

At present the Bureau is conducting a census update for the upcoming Tribal Referendum, but this census is not specific to the boundaries. We cannot vouch for the accuracy of the census figures by the boundaries.

The Council does have the authority under the Tribal Constitution to apportion the services and establish the boundaries of the districts and to determine the conditions for the election of the representatives. This is authorized by Articles I, II, and III of the Tribal Constitution.

A. M. Richard Horse
Superintendent

Attachment:

AN REVOLUTION BICENTENNIAL 1776-1976 AME

RECEIVED
DEC 1977
Aberdeen Area Office
TRIBAL GOVERNMENT
AND INDIAN RIGHTS

RESOLUTIO NO. 77-141

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

REAPPORTIONMENT RESOLUTION.

WHEREAS, Ordinance No. 77-09 of the Oglala Sioux Tribe requires that a reapportionment proposal be placed before the Council on or at the first Council meeting after October 15, 1977, based on the most accurate up-dated census figures obtainable, and

WHEREAS, current figures obtained by District Coordinators and staffs and a special task force reviewing such data provides the following: (Tribal membership count by district and Council Representation merited pursuant to Article III, Section 4)

| DISTRICT | CENSUS | REPRESENTATIVES |
|---|---|---|
| Pine Ridge Village | 2,784 | 6 |
| Wakpamni District | 1,305 | 3 |
| Wounded Knee District | 1,285 | 3 |
| Porcupine District | 1,347 | 3 |
| Medicine Root District | 1,900 | 4 |
| Pass Creek District | 486 | 1 |
| LaCreek District | 886 | 2 |
| White Clay District | 1,330 | 3 |
| Eagle Nest District | 886 | 2, now |

THEREFORE BE IT RESOLVED, that pursuant to Article III, Section 4 of the Constitution of the Oglala Sioux Tribe:

Pine Ridge Village shall retain 6 representatives;
Wakpamni District shall retain 3 representatives;
Wounded Knee District shall retain 3 representatives;
Porcupine District shall retain 3 representatives;
Medicine Root District shall retain 4 representatives;
Pass Creek District shall retain 1 representative;
LaCreek District shall retain 2 representatives;
White Clay District shall retain 3 representatives;
Eagle Nest District shall retain 2 representatives; and

BE IT FURTHER RESOLVED, that on the above basis the Oglala Sioux Tribe shall elect twenty-seven Council Representatives rather than twenty and the Council shall be so composed in the succeeding term.

RECEIVED
DEC 5 1977
Aberdeen Area Office
TRIBAL GOVERNMENT
AND INDIAN RIGHTS

RESOLUTION NO. 77-141
Page Two

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned, Secretary of the Oglala Sioux Tribal Council, hereby certify that this resolution was adopted by the vote of 14 for; 0 against; and 0 not voting; during a Special Session held on the 14th day of November, 1977.

Bernadine Blue Bird
Bernadine Blue Bird - Secretary
Oglala Sioux Tribal Council

ATTEST:

Albert W. Trimble
Albert W. Trimble - President
Oglala Sioux Tribal Council

RECEIVED
NOV 23 1977
Pine Ridge Agency

# AMENDMENTS
# CONSTITUTION AND BYLAWS
# OF THE
# OGLALA SIOUX TRIBE
# OF THE
# PINE RIDGE RESERVATION
# SOUTH DAKOTA

## AMENDMENT NO. I

Article III, Section 4, Governing Body, shall be amended in its entirety to read as follows:

> Section 4. Each recognized community shall elect representatives to the tribal council in the proportion of one representative for each 500 members, or a remainder of more than 250. Recognized communities with less than 250 members shall be consolidated by the tribal council with an adjacent recognized community.

## AMENDMENT NO. II

Article IV, Section 1 of the bylaws, Salaries, shall be amended in its entirety to read as follows:

> Section 1. The salaries and expense payments of the councilmen and other officers of the Oglala Sioux Tribe may be paid out of available funds of the tribe in accordance with ordinances duly enacted, provided that no council shall enact any ordinance increasing the salaries or per diem expense payments of councilmen during the existing term of office.

## AMENDMENT NO. III

Article I, Section 5 of the bylaws, Duties of Officers, shall be amended in its entirety to read as follows:

> Section 5. There shall be an executive committee, which shall consist of the president, the secretary, and treasurer of the council, the vice president, and a fifth member selected by the council. This committee shall act on behalf of the council at such times as the council is not in session and shall have charge of all routine matters which shall arise during such recess, including the administration of the land provisions of this constitution, and such other matters as may be delegated to it by the council. The committee shall make a report at each regular and special session of the council.

AMENDMENT NO. IV

Article V, Section 3 of the bylaws, Meetings and Procedures, shall be amended in its entirety to read as follows:

> **Section 3.** Special meetings may be called by the president and when so called, two-thirds (2/3) of the council must be present to constitute a quorum, and the council shall have power to transact business as in regular meetings.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Commissioner of Indian Affairs on October 1, 1969, under delegated authority, the attached, Amendments I, II, III and IV to the Constitution and Bylaws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, were submitted to the qualified voters of the tribe and was on December 4, 1969, duly adopted by a vote of 783 for, and 411 against Amendment I; 728 for, and 458 against Amendment II; 633 for, and 556 against Amendment III; and 658 for, and 524 against Amendment IV, in an election in which at least thirty percent of the 3,104 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

DECEMBER 11, 1969

Brice L. Lay
Chairman, Election Board

Theodore Tibbetts
Election Board Member

Lloyd W. Eaglebull
Election Board Member

APPROVAL

I, HARRISON LOESCH, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments I, II, III, and IV to the Constitution and Bylaws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota.

Approval Recommended:

(Sgd) A. O. ALLEN
Acting Commissioner of Indian Affairs

(Sgd) Harrison Loesch
Assistant Secretary of the Interior

Washington, D. C.

Date: December 24, 1969

DEC 1 5

Tribal Government Services

Through: Superintendent, Pine Ridge Agency

Mr. Newton Cummings, President
Oglala Sioux Tribal Council
Pine Ridge, South Dakota 57770

Dear Mr. Cummings:

We have received the results of the election held on November 25, 1985, (orginally scheduled for November 20, 1985.) by the qualified voters of the Oglala Sioux Tribe. The election was called in accordance with the Area Director's authorization dated July 12, 1985, pursuant to authority delegated to Area Directors, 10 BIAM 3.1, to permit the eligible voters of the Oglala Sioux Tribe to vote on the adoption or rejection of four amendments to the Constitution of the Oglala Sioux Tribe.

As evidenced by the Certificate of Results of Election signed by members of the election board, three of the four proposed amendments were duly adopted by the voters of t Tribe. The proposed four year term of office was rejecte by the same voters.

The three proposed amendments are designat by alpha listing and will be changed to Roman Numerals for consistency from V through VII. Each amendment with our certificate of approval is enclosed for your records.

Sincerely,

(Sgd) Jerry

Area Dire tor

Enclosure

cc: Superintendent, Pine Ridge Agency

Deputy Assistant Secretary - Indian Affairs (Operations)
Attn: Bob Delaware, Chief, Division of Tribal Gov. Serv.
Room 2611, Bureau of Indian Affairs, Mail Code 440
Main Interior Building

bcc: Assistant Area Director, Indian Programs

BAL GOVERNMENT SERVICES:PPICOTTE:mdc:1 /85: DISK #3
NCUMMINGS-SUBJECT/CHRONY

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PINE RIDGE AGENCY
P.O. BOX 1203
PINE RIDGE, SOUTH DAKOTA 57770

N REPLY REFER TO:

DEC 3 1985

CERTIFICATE OF RESULTS OF ELECTION

PURSUANT TO A SECRETARIAL ELECTION AUTHORIZED BY THE ABERDEEN AREA DIRECTOR ON 07-12-85 THE ATTACHED CONSTITUTION AND BYLAWS AMENDMENT B OF THE OGLALA SIOUX TRIBE WAS SUBMITTED TO THE QUALIFIED VOTERS OF THE TRIBE AND ON 11-25-85 WAS DULY ADOPTED BY A VOTE OF 612 FOR AND 389 AGAINST AND 4 CAST BALLOTS FOUND SPOILED OR MUTILATED IN AN ELECTION IN WHICH AT LEAST 30 PERCENT OF THE 2658 MEMBERS ENTITLED TO VOTE, CAST THEIR BALLOTS IN ACCORDANCE WITH 48 STAT 984.

Wilbert Jones
Chairman, Election Board

Newton Emerson
Board Member

Marvin Amiotte
Board Member

## APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, do hereby approve the attached Amendment V to Article III, to the Constitution and Bylaws of the Oglala Sioux Tribe.

Area Director

Aberdeen Area Office
Aberdeen, South Dakota

Date: DEC 18 [illegible]

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
OGLALA SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT V

ARTICLE III-GOVERNING BODY

SECTION 1. The governing body of the tribe under this Constitution shall be a council which shall be composed of councilmen chosen by secret ballot by qualified voters of the tribe, which council shall hereafter be known as "The Oglala Sioux Tribal Council."

SEC. 2. Each community of the reservation as follows, shall be entitled to representation on the tribal council according to population as hereinafter provided:

Oglala community: Comprised of present White Clay Farm District.

Wakpamni community: Comprised of present Wakpamni Farm District.

Wounded Knee community: Comprised of present Wounded Knee Farm District.

Porcupine community: Comprised of present Porcupine Farm District.

Medicine Root Creek community: Comprised of present Medicine Root Farm District.

Eagle Nest community: Comprised of present Eagle Nest Farm District.

Pass Creek community: Comprised of that portion of the present Pass Creek Farm District lying north of the boundary line between Townships 37 and 38 north.

Lacreek community: Comprised of that portion of the present Pass Creek Farm District lying south of the above boundary line.

SEC. 3. The tribal council shall have authority to make changes in the foregoing list according to future community needs, subject to the approval of the Secretary of the Interior.

SEC. 4. Each recognized community shall elect representatives to the tribal council in the proportion of one representative for each 1000 members, or a remainder of more than 500. Recognized communities with less than 500 members shall be consolidated by the tribal council with an adjacent recognized community.

SEC. 5. Prior to the first election of the tribal council the membership of each community shall be determined by the superintendent and a committee consisting of one delegate from each community herein designated. Thereafter the membership of the various communities shall be determined by the communities, subject to review by the tribal council.

SEC. 6. The officers of the tribal council shall be a president and a vice president, elected by the members of the Oglala Sioux Tribe, at large, and a secretary, a treasurer, and such other officers as may be deemed necessary, elected by the tribal council from within or outside of its own number. Officers selected from outside the membership of the council shall have no vote in the council, except that the president shall vote in case of a tie.

SEC. 7. The first election of the tribal council hereunder shall be called and supervised by the Secretary of the Interior, or such persons as he may appoint.

SEC. 8. Members of the tribal council shall be elected for a term of two years.

SEC. 9. Elections to the tribal council, after the first election, shall be called by the tribal council at least sixty days prior to the expiration of office of its members.

SEC. 10. The Oglala Sioux Tribal Council shall be the sole judge of the constitutional qualifications its own members.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PINE RIDGE AGENCY
P.O. BOX 1203
PINE RIDGE, SOUTH DAKOTA 57770

IN REPLY REFER TO:

DEC 3 1985

CERTIFICATE OF RESULTS OF ELECTION

PURSUANT TO A SECRETARIAL ELECTION AUTHORIZED BY THE ABERDEEN AREA DIRECTOR ON 07-12-85 THE ATTACHED CONSTITUTION AND BYLAWS AMENDMENT C OF THE OGLALA SIOUX TRIBE WAS SUBMITTED TO THE QUALIFIED VOTERS OF THE TRIBE AND ON 11-25-85 WAS DULY ADOPTED BY A VOTE OF 578 FOR AND 464 AGAINST AND 2 CAST BALLOTS FOUND SPOILED OR MUTILATED IN AN ELECTION IN WHICH AT LEAST 30 PERCENT OF THE 2658 MEMBERS ENTITLED TO VOTE, CAST THEIR BALLOTS IN ACCORDANCE WITH 48 STAT 984.

Weber Pierce
Chairman, Election Board

Board Member

Marvin Amiotte
Board Member

## APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, do hereby approve the attached Amendment VI to Article VII, to the Constitution and Bylaws of the Oglala Sioux Tribe.

Area Director

Aberdeen Area Office
Aberdeen, South Dakota

Date: DEC 12 [illegible]

**APPROVAL**

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, do hereby approve the attached Amendment VII to Article IV, to the Constitution and Bylaws of the Oglala Sioux Tribe.

Area Director

Aberdeen Area Office
Aberdeen, South Dakota

Date: DEC 18 1985

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
OGLALA SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT VII

ARTICLE IV - POWERS OF THE COUNCIL

SECTION 1. "Enumerated powers." - The Oglala Sioux Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To negotiate with the Federal, State, and local governments, on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Pine Ridge Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Oglala Sioux Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other authorized official or agency of government, provided that no tribal lands shall ever be leased for a period exceeding five years, sold, or encumbered except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Pine Ridge Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the Oglala Sioux Tribe in conformity with Article X of this constitution.

(f) To manage all economic affairs and enterprises of the Oglala Sioux Tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the tribe any available tribal council funds.

(h) To levy taxes upon persons on the Pine Ridge Indian Reservation and to require the performance of community labor in lieu thereof.

(i) To exclude from the restricted lands of the Pine Ridge Reservation persons not legally entitled to reside therein, under duly enacted ordinances.

(j) To enact resolutions or ordinances not inconsistent with Article II of this constitution concerning membership in the Oglala Sioux Tribe.

(k) To promulgate and enforce ordinances, governing the conduct of persons on the Pine Ridge Indian Reservation and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes.

(m) To protect and preserve the property, wild life, and natural resources, gases, oils, and other minerals, etc., of the tribe, and to regulate the conduct of trade and the use and disposition of property upon the reservation.

(n) To cultivate native arts, crafts, and culture, to administer charity and to protect the health and general welfare of the tribe.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of associations thus chartered by the tribal council, or any other associations of members of the tribe, which are indebted to the tribe.

(p) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Pine Ridge Reservation.

(q) To regulate the domestic relations of members of the tribe.

(r) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution.

(s) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

(t) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. "Future powers." - The council of the Oglala Sioux Tribe may exercise such further powers as may in the future be delegated to the council by members of the tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. "Reserved powers." - Any rights and powers heretofore vested in the Oglala Sioux Tribe, but not expressly referred to in this constitution, shall not be abridged by this Article, but may be exercised by the people of the Oglala Sioux Tribe through the adoption of appropriate by-laws and constitutional amendments.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
ABERDEEN AREA OFFICE
115 FOURTH AVENUE S.E.
ABERDEEN, SOUTH DAKOTA 57401

IN REPLY REFER TO:
Tribal Government
and Indian Rights

JUL 27 1978

Memorandum

To: Superintendent, Pine Ridge Agency

From: Tribal Government and Indian Rights

Subject: Tribal Resolution

We have received tribal resolution No. 78-101
enacted by the Oglala Sioux Tribal Council.

The resolution has been referred to Tribal Government
(For information).

Comments:

(Sgd) Earl J. Azure
Acting Director

cc: President, Oglala Sioux Tribal Council
Tribal Government
File Copy

CONSERVE AMERICA'S ENERGY

*Save Energy and You Serve America!*

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PINE RIDGE INDIAN AGENCY
PINE RIDGE, SOUTH DAKOTA 57770

IN REPLY REFER TO:

Superintendent's
Office

July 11, 1978

Memorandum

To: Area Director, Aberdeen Area Office
Attn: Tribal Government

From: Superintendent, Pine Ridge Agency

Subject: Transmittal of Resolutions

We are transmitting the following resolutions:

Resolution No. 78-29XB prevents the establishment of any new cemetary in the limits of any town or village on the Pine Ridge Reservation. This action falls within the authority granted by Tribal Council Ordinance 60-44 and is further authorized by Article IV, Section 1, Subsection (m) of the Tribal Constitution and is approved.

We are aware that any ordinance directly affecting nonmembers of the Tribe shall be subject to review by the Secretary of the Interior in accordance with Article IV, Section 1, Subsection (m) of the Tribal Constitution. We are aware of possibilities existing that this action would be forbidden under Article XIV, of the American Constitution relative to the deprivation of "life, liberty or property,". We do believe, however, that the action they have taken is only of a regulatory nature rather than "deprivation" and is fully within their authority.

Resolution No. 78-89 reiterates the former demands included in Resolution Nos. 78-59 and 78-87 relative to the retention of the Agency Superintendent, Anthony Whirlwind Horse. This resolution further authorizes legal action to retain the Superintendent. The action they have taken is authorized by Article IV, Section 1, Subsection (a) of the Tribal Constitution and is approved.

Resolution No. 78-90 authorizes assistance to the Tribal Rodeo Team in the amount of $6,000. These funds were to be derived from the general fund activity, Sports and Recreation. This item of the Tribal budget contains a line item figure of $15,000 which should adequately cover the expenditures if we consider our receipt at the gate to be redeposited back into the same account. The action they have taken is authorized by Article IV, Section 1, Subsection (f) of the Tribal Constitution and is approved.

ctor, Aberdeen Area
1978

on No. 78-91 authorizes activities to control insects and mosquitoes
servation. The Branch of Land Operations is donating $19,000 for
ose of assisting the Tribe in aerial spraying of the most heavily
areas for grasshoppers. The action they have taken is authorized
e IV, Section 1, Subsections (g) and (m) of the Tribal Constitution
proved.

n No. 78-92 approves the continuation of the Oglala Sioux Health
Program. In essence, the resolution requests the continuation of a
anning Program under Public Law 93-638 in the amount of $125,000.
they have taken is authorized under Article IV, Section 1, Sub-
a) of the Tribal Constitution.

on No. 78-93 requests approval for the retention of the position
ant Director of Health Services under Public Law 93-638. In
the Council establishes a priority at variance with the present
program and recommends the retention of an Assistant Director in
Coordinator/Evaluator. The action they have taken is authorized
e IV, Section 1, Subsection (a) of the Tribal Constitution and is
n the philosophy of Public Law 93-638. The resolution is approved.

on No. 78-94 approves the Tribal application for Federal funding
office of Administration of Native Americans Programs. It further
a waiver of 20% nonfederal share. The action they have taken is
d by Article IV, Section 1, Subsections (a) and (f) of the Tribal
ion and is approved.

on No. 78-96 states the official position of the Oglala Sioux Tribe
rence to the attempts at consolidation of Jackson and Washabaugh
The action they have taken is the official position of the Tribe
thorized by Article IV, Section 1, Subsection (a) of the Tribal
ion and is approved.

on No. 78-97 confirms Resolution No. 78-26XB. In essence, Resolution
XB had directed the Bureau to implement activities to prevent over
f reservation lands. This resolution reaffirms that position and
strict enforcement of grazing ordinances. The action they have taken
ized by Article IV, Section 1, Subsections (a), (f) and (m) of the
nstitution and is approved.

No. 78-98 requests funding for renovation of a Halfway House
Program. This authorization, not to exceed $10,000, has been
insure safety of an old hotel building. The action they have
authorized by Article IV, Section 1, Subsection (n) of the Tribal
on and is approved.

Resolution No. 78-99 appoints a Standing Advisory Board to the Halfway House Program. The action they have taken is authorized by Article IV, Section 1, Subsection (o) of the Tribal Constitution and is approved.

Resolution No. 78-100 adopts a budget for the Tribe's annual Pow Wow and Rodeo. The action they have taken is authorized by Article IV, Section 1, Subsection (f) of the Tribal Constitution and is approved.

Resolution No. 78-101 confirms and recognizes Wakpamni Community as a community within Wakpamni District. The Wakpamni Community has requested recognition of a new village within their territory and the Tribal Council has granted such recognition as is authorized by Article III, Section 3 of the Tribal Constitution and is approved.

Resolution No. 78-102 reapportions Indirect Cost from the Tribal Manpower Program and directs the administration of the Manpower Program to revise the budget to provide for a 50/50 allocation of administrative cost between the Tribe and the Manpower Programs. The action they have taken would appear to be authorized by Article IV, Section 1, Subsection (a) of the Tribal Constitution and is approved contingent upon there being no impediment to such implementation from the legislation authorizing these appropriations; it might be appropriate for the Solicitor to research such legislation.

Resolution No. 78-103 directs the retention of all CETA accounts and funds within the custody and control of the Tribal Treasurer's office. This resolution is authorized by Article IV, Section 1, Subsection (a) of the Tribal Constitution and is approved contingent upon there being no legislation preventing this action relative to said appropriations. The Solicitor should advise as to the present absence of such constraints in the legislation.

Resolution No. 78-104 pledges monitary support and assistance to the Lakota Treaty Council at the Fourth International Treaty Conference of July 24-27. The action they have taken is authorized by Article IV, Section 1, Subsections (b), (g), and (n) of the Tribal Constitution and is approved.

Superintendent

Attachments

RECEIVED
JUL 1978
Office
TREATIES AND INDIAN RIGHTS

RESOLUTION NO. 78-101

**RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL**
**OF THE OGLALA SIOUX TRIBE**
**(An Unincorporated Tribe)**

RESOLUTION TO CONFIRM AND RECOGNIZE WAKPAMNI COMMUNITY AS A COMMUNITY WITHIN WAKPAMNI DISTRICT.

WHEREAS, there has been a continuous controversy over existing and original communities comprising Wakpamni District, and

WHEREAS, a district meeting was duly called on July 21, 1977, wherein the Wakpamni District Council unanimously accepted Wakpamni Community consisting of Batesland, Crossroads and Wakpamni Lake as the sixth community within Wakpamni District, and

WHEREAS, a District Council meeting convened on June 21, 1978, at which time Representatives were delegated to present the confirmation and recognition of Wakpamni Community which is subject to review and approval of the Oglala Sioux Tribal Council, now

THEREFORE BE IT RESOLVED, in accordance with Article III, Section V of the Oglala Sioux Tribal Constitution and By-Laws, the Oglala Sioux Tribal Council hereby confirms and recognizes Wakpamni Community consisting of Batesland, Crossroads and Wakpamni Lake as sixth community within Wakpamni District.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned, Secretary of the Oglala Sioux Tribal Council, hereby certify that this resolution was adopted by the vote of 16 for; 0 against; and 10 not voting; during a Special Session of the Oglala Sioux Tribal Council held on the 23rd day of June, 1978.

Bernadine Blue Bird
Bernadine Blue Bird, Secretary
Oglala Sioux Tribal Council

ATTEST:

Elijah E. Whirlwind Horse, President
Oglala Sioux Tribal Council

RECEIVED
JUL 5 1978
Pine Ridge Agency

RECEIVED
JUL 17 1978
Aberdeen Area Office
TRIBAL COUNCIL AFFAIRS

RESOLUTION NO. 63-70

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

A RESOLUTION TO RECOGNIZE THE PINE RIDGE INDIAN VILLAGE AS AN ORGANIZED COMMUNITY.

WHEREAS, the Indian Village of Pine Ridge, South Dakota has now been duly organized as a village site, with their Constitution and By-Laws approved by action of the Oglala Sioux Tribal Council, and

WHEREAS, for betterment of the village government and to further promote the general welfare of the members of this Indian village, and through provisions contained in the Constitution and By-Laws of the Oglala Sioux Tribe, now

THEREFORE BE IT RESOLVED, by the Oglala Sioux Tribal Council, in Regular session, on this 19th day of July, 1963 that the Pine Ridge Indian Village, within the boundaries as outlined in their Constitution be and is hereby given recognization in status as an organized community under provision of Article III, Section 2, of the Constitution and By-Laws of the Oglala Sioux Tribe, and

FURTHER, that this resolution has been enacted under authority vested in the Oglala Sioux Tribal Council by Section 3, Article III, of the Constitution and By-Laws of the Oglala Sioux Tribe.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oglala Sioux Tribal Council, hereby certify that the Oglala Sioux Tribal Council is composed of 29 voting members of whom 23 members, constituting a quorum, were present at a meeting duly called, noticed, convoked and held the 19th day of July, 1963; that the foregoing resolution was adopted at said meeting by the affirmative vote of 20 for and 2 not voting and that said resolution has not been rescinded or amended in any way and shall remain in full force and effect.

Sgd/ Gerald One Feather
Gerald One Feather, Secretary
Oglala Sioux Tribal Council

ATTEST:

William Whirlwind Horse
William Whirlwind Horse, President
Oglala Sioux Tribal Council

RESOLUTION NO. 69-66

# RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION CHANGING LIST OF COMMUNITIES ENTITLED TO REPRESENTATION UNDER SECTION 2 OF THE CONSTITUTION.

WHEREAS, Section 4 of the Constitution of the Oglala Sioux Tribe has been amended, subject to the approval of the Secretary of the Interior or his authorized representative, to provide that each recognized community shall be entitled to representation for each 500 members or remainder of more than 250; and

WHEREAS, current population figures indicate that the existing communities of Oglala, Jr., and Red Shirt Village have populations of 146 and 89, respectively; now

THEREFORE, BE IT RESOLVED, that, in case of the approval of the aforesaid amendment by the Secretary of the Interior, the recognized communities of Oglala, Jr., and Red Shirt Village shall be consolidated with the recognized community listed in the Section 2 of the Constitution as Oglala community, and generally known as White Clay District, pursuant to the authority of the Council under Section 3 of the Constitution.

FURTHER RESOLVED, that each recognized community shall elect representatives to the Council at the 1970 election, as follows:

| Community | Representative |
|---|---|
| Oglala | 2 |
| Wakpamni | 3 |
| Wounded Knee | 2 |
| Porcupine | 2 |
| Medicine Root Creek | 2 |
| Eagle Nest | 2 |
| Pass Creek | 1 |
| Lacreek | 1 |
| Pine Ridge | 5 |
| TOTAL | 20 |

Appd. 12/30/1969 to coincide with on appl. Hardin Area Director

## CERTIFICATION

I, the undersigned as Secretary of the Oglala Sioux Tribe, hereby certify that the Oglala Sioux Tribal Council is composed of 31 voting members of whom 26 members, constituting a quorum, were present at a Special Session duly held and convened on December 24, 1969 at Pine Ridge, South Dakota; that the foregoing resolution was therefore adopted by an affirmative vote of 23 for; 3 against; that said resolution is in full force and effect unless by legal enactment of the Council it shall be amended or rescinded.

DEC 5 1969

ATTEST:

President - Oglala Sioux Tribe

Secretary - Oglala Sioux Tribe

ACTION OF THE SUPERINTENDENT
12/24/69 APPROVED

Acting Superintendent

JAN 23 1964

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Tribal Operations

Sir:

In reference to your wire of December 3, 1963, regarding the telegram to Pine Ridge which approved Resolution No. 63-70 adopted by the Oglala Sioux Tribal Council on July 10, 1963, it was mentioned that a letter was to follow. The wire indicated that the letter would contain suggestions for restructuring and to effect conformity between existing representation and provisions of Article III, Section 4.

We would appreciate your informing this office as to the status of the follow-up letter mentioned above.

Sincerely yours,

(SGD) R. E. MILLER

ACTING Area Director

cc:
Superintendent, Pine Ridge Agency (w/copy of wire)
File with Resolution No. 63-70

NAME OF AGENCY

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

ACCOUNTING CLASSIFICATION 1442201(1825.3)Res.
Mgt. BIA, 1964

THIS BLOCK FOR USE OF COMMUNICATIONS UNIT

PRECEDENCE

ACTION: TELETYPE
INFO.:

TYPE OF MESSAGE
[X] SINGLE [ ] BOOK
[ ] MULTI-ADDRESS

SECURITY CLASSIFICATION

STANDARD FORM 14 REV. MARCH 15, ...
GSA REGULATION 2 IX 203.04
14-303

# TELEGRAPHIC MESSAGE

OFFICIAL BUSINESS
U. S. GOVERNMENT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

THIS COL. FOR AGENCY USE

START MESSAGE ADDRESS HERE

MR. MARTIN H. B. HOLM
AREA DIRECTOR
BUREAU OF INDIAN AFFAIRS
ABERDEEN, SOUTH DAKOTA

3

THE FOLLOWING TELEGRAM HAS BEEN SENT TO THE CHAIRMAN OF THE OGLALA SIOUX TRIBAL COUNCIL: "PURSUANT TO AUTHORITY GRANTED ME IN ORDER NO. 2508, SECTION 18, I AM APPROVING RESOLUTION NO. 63-70 ADOPTED BY OGLALA SIOUX TRIBAL COUNCIL JULY 19, 1963, WHICH CONFERRED UPON PINE RIDGE INDIAN VILLAGE COMMUNITY STATUS PURSUANT TO PROVISIONS OF ARTICLE III, SECTION 2, OF TRIBAL CONSTITUTION. COMMUNITY'S JURISDICTION LIMITED TO PORTION OF PINE RIDGE AGENCY RESERVE TRANSFERRED TO TRIBE AS DESCRIBED IN BUREAU MEMORANDA DATED AUGUST 14, 1960, AND NOVEMBER 15, 1962, AND SUCH ADDITIONAL LANDS AS THE TRIBAL COUNCIL MAY PROVIDE; ARTICLE III SECTION 4 OF TRIBAL CONSTITUTION SHOULD BE APPLIED ACCORDINGLY. NON-MEMBER BONA FIDE RESIDENTS OF PINE RIDGE INDIAN VILLAGE OF COURSE PRECLUDED FROM VOTING IN ANY ELECTION CALLED PURSUANT TO OGLALA SIOUX TRIBAL CONSTITUTION. LETTER FOLLOWS AS WE SEE JUSTIFICATION FOR STUDY OF "COMMUNITY" PATTERN WITH VIEW TO POSSIBLE RESTRUCTURING AND TO EFFECT CONFORMITY BETWEEN EXISTING REPRESENTATION AND PROVISIONS OF ARTICLE III, SECTION 4.

COMMISSIONER

Confirmation

DO NOT TYPE MESSAGE BEYOND THIS LINE

PAGE NO. | NO. OF PAGES

NAME AND TITLE OF ORIGINATOR (Type): ...Y - Tribal Operations Officer

ORIGINATOR'S TEL. NO.: 2511

DATE AND TIME PREPARED: December 3, 1963 1:05 PM

SECURITY CLASSIFICATION

I certify that this message is official business, is not personal, and is in the interest of the Government.

(Signature)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1962 — 622 51

NOV 26 1963

**AIRMAIL--SPECIAL DELIVERY**

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Tribal Operations

Sir:

Enclosed for your consideration is the original and five copies of Resolution No. 63-70 adopted by the Oglala Sioux Tribal Council on July 19, 1963, concerning recognition of the Pine Ridge Indian Village as an organized community.

We recommend approval of the subject resolution with one condition and that is that voting privileges be restricted to those individuals who are enrolled members of the Oglala Sioux Tribe which is not as prescribed by the Constitution and Bylaws of the Pine Ridge Indian Village under Article II, Membership.

Also enclosed for your information are copies of letters dated October 4, 1963, and October 15, 1963, addressed to Tribal Operations Officer Baird.

Sincerely yours,

(Signed) Martin N. B. Holm

Area Director

Enclosures 3

cc:
Superintendent, Pine Ridge Agency
File with Resolution No. 63-70

Pine Ridge Village Council
Pine Ridge, South Dakota

October 15, 1963

Mr. B. E. Baird
Tribal Operations Officer
Aberdeen Area Office
Aberdeen, South Dakota

RE: OSTC Resolution No. 63-70

Sir:

Our village council is interested in the progress of resolution 63-70, as enacted by the tribal council, last July 19th.

The village council originated this resolution as we felt that this would assist us in our programs and local governmental actions.

In talking with the secretary of the council, I was under the impression that the provision in our village constitution and by-laws, giving non-members the right to vote, was confusing him and that perhaps he might have given an adverse report on the intent of this resolution. I have tried to explain to him that non-members are allowed to vote on all matters that deal directly with the residents of the village, and that in tribal affairs their vote would be restricted. I understand that a copy of the Pine Ridge Village Constitution and By-Laws has been forwarded to your office and in reviewing this document you will find that none of our provisions are contrary to the constitution and by-laws of the Oglala Sioux Tribe.

I hope that resolution 63-70 has been forwarded to the central office and that this will clear in the near future.

Will you keep me informed on this matter.

Sincerely

Lloyd W. Eaglebull

Lloyd W. Eaglebull, Secretary
Pine Ridge Village Council

AMENDMENT
CONSTITUTION AND BYLAWS
OF THE
OGLALA SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT VI

ARTICLE VII, SECTION 1

SECTION 1. All members of the tribe, 18 years or over, who have resided on the reservation for a period of one year immediately prior to any election shall have the right to vote.

IN REPLY REFER TO:

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
*PINE RIDGE AGENCY*
*P.O. BOX 1203*
PINE RIDGE, SOUTH DAKOTA 57770

DEC 3 1985

CERTIFICATE OF RESULTS OF ELECTION

PURSUANT TO A SECRETARIAL ELECTION AUTHORIZED BY THE ABERDEEN AREA DIRECTOR ON 07-12-85 THE ATTACHED CONSTITUTION AND BYLAWS AMENDMENT D OF THE OGLALA SIOUX TRIBE WAS SUBMITTED TO THE QUALIFIED VOTERS OF THE TRIBE AND ON 11-25-85 WAS DULY ADOPTED BY A VOTE OF 479 FOR AND 462 AGAINST AND 2 CAST BALLOTS FOUND SPOILED OR MUTILATED IN AN ELECTION IN WHICH AT LEAST 30 PERCENT OF THE 2658 MEMBERS ENTITLED TO VOTE, CAST THEIR BALLOTS IN ACCORDANCE WITH 48 STAT 984.

Wilbert Janis
Chairman, Election Board

Board Member

Marvin Amiotte
Board Member